

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: O'Byrne, Vincent A.  
Application No.: 09/050,680 Group No.: 2744  
Filed: March 30, 1998 Examiner: Q. Vuong  
For: SYSTEM AND METHOD FOR INCREASING CDMA CAPACITY BY FREQUENCY  
ASSIGNMENT

Assistant Commissioner for Patents  
Washington D.C. 20231

NOTIFICATION OF FILING OF CONTINUING, DIVISIONAL  
OR CONTINUED PROSECUTION APPLICATION

Notification is hereby being made of the filing of a continuation application for this case concurrently herewith.

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CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. section 1.8(a)

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- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 6/22/00

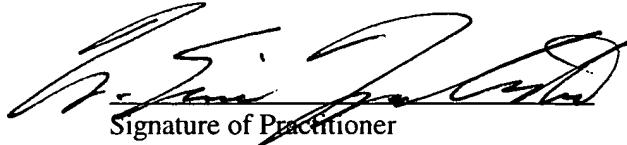
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"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Date: 6-19-00

Reg. No.: 35406  
Tel. No.: 781-466-4013  
Customer No.: 021602



Signature of Practitioner

W Eric Webostad  
GTE Service Corporation  
600 Hidden Ridge, HQE03G13  
Irving, TX 75038

06/22/00

06-23-00

A



CONTINUATION APPLICATION TRANSMITTAL FORM

PATENT  
Docket No: 97-3-802CON1  
Prior Application 09/050,680

Anticipated Classification  
Of this Application:

Class	SubClass	Examiner	Art Unit
<u>455</u>	<u>447</u>	<u>Q. Vuong</u>	<u>2744</u>

To the Commissioner of Patents and Trademarks:

This is a request for filing a Continuation of a utility application under 37 CFR 1.53(b),  
of pending prior application Serial Number 09/050,680 filed on 3/30/1998 for SYSTEM  
AND METHOD FOR INCREASING CDMA CAPACITY currently pending (Parent).  
The benefit of an earlier filing date under 35 U.S.C. §120 is claimed.

Certification Under 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the  
United States Postal Service on this date 6/22/00 in an envelope as "Express Mail Post Office to Addressee"  
mailing label Number EK092690216US addressed to the: Assistant Commissioner for Patents, Box Patent Application, Washington,  
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Mary E. Anza  
(typed or printed name of person mailing paper)  
Mary E. Anza  
(Signature of person mailing paper)

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Warning: Certificate of mailing (first class) or facsimile transmission procedures of 37CFR1.8 cannot be used to obtain a date  
of mailing or transmission for this correspondence.

1. X Enclosed is a copy of the latest inventor-signed prior application, including the oath or declaration as originally filed. I hereby verify that the attached papers are a true copy of the latest inventor-signed prior application Serial No. 09/050,680 as originally filed on 3/30/98 and further that all statements made herein of their own knowledge and true and that all statements made on information and belief are believed to be true; and further that these statements and the like are so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.
2. X Enclosed is an Information Disclosure Statement.
3. X Cancel in this application claims 2-6, 8, 10-12, 14-18, 20 of the prior original application before calculating the filing fee (At least one original independent claim must be retained for filing purposes).
4. X enclosed is a Preliminary Amendment to the Application.

095007-020360

5. The filing fee is calculated below based on the claim structure resulting from the enclosed Preliminary Amendment:


BASIC FEE				\$690.00
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	11	0	\$18.00	0.00
INDEPENDENT CLAIMS	10	7	\$78.00	546.00
TOTAL FILING FEE				1236.00

6. X The Commissioner is hereby authorized to charge the filing fee, any additional fees, which may be required, or credit any overpayment to Deposit Account No. **07-2339**. A duplicate copy of this sheet is enclosed.
7. X 9 sheets of original informal drawings are enclosed.
8. X The prior application is assigned of record to: GTE Laboratories Incorporated at Reel 9131, Frame 0215, a copy of the Assignment is enclosed.
9. The power appears in the parent (09/050,680) application (copy enclosed).
10. Also enclosed, notification for the parent case that continuation is being filed.
11. Address all future communications to:

Leonard Charles Suchyta, Esq.  
GTE Service Corporation  
600 Hidden Ridge HQE03G13  
Irving, TX 75038

W. Eric Webostad  
781-466-4013

6-21-68  
(Date)

  
W. Eric Webostad  
Reg. No. 35,406

[illegible]